

February 11, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON

700 Central Building  
810 Third Avenue  
Seattle, Washington 98104

REVISED REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources, Natural Resources Division  
File No. **E96CT013**  
Proposed Ordinance No. **96-859**

Open Space Taxation (Public Benefit Rating System)  
Application of **COVINGTON GOLF COURSE**

Location: 22500 SE 275th Place, Maple Valley

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY REPORT:

The Natural Resources Division Preliminary Report on Item No. E96CT013 was received by the Examiner on November 4, 1996.

PUBLIC HEARING:

After reviewing the Natural Resources Division's Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E96CT013 was opened by the Examiner at 9:43 a.m., November 18, 1996, in Hearing Room No. 2, Department of Development and Environmental Services, 3600 - 136th Place SE, Bellevue, Washington, and continued administratively at 9:50 a.m. to accommodate later submittal of written conditions. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

Pursuant to request for reconsideration, the hearing was reopened at 9:25 a.m. on January 14, 1997, and continued administratively at 9:47 a.m. The hearing record closed on February 4, 1997.

ISSUES ADDRESSED:

- Public Benefit Rating System
- Aquifer protection

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter,

the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Covington Golf Course  
d/b/a Elk Run Golf Course  
22500 SE 275th Place  
Maple Valley, WA 98038

Location: 22500 SE 275th Place, Maple Valley

Zoning: R1P, R4P, and R6P

Acreage:

Property Total:	84.32 acres
Subject to Application:	84.32 acres
Recommended:	84.32 acres

STR: NE-33-22-06

2. Except as modified herein, the facts set forth in the Natural Resources Division's Preliminary Report to the King County Hearing Examiner for the November 18, 1996, public hearing are found to be correct and are incorporated herein by reference. Copies of the Division Report will be attached hereto for submittal to the King County Council.
3. A complete application for current use open space classification was received by the Natural Resources Division prior to December 31, 1996. Notice for the November 18, 1996, public hearing on the application was published October 23, 1996, in the Voice of the Valley. The staff recommends that the application be granted 25 points under the King County Public Benefit Rating System.
4. The original recommendation contained within the Staff Report was to approve the application at a public benefit rating credit of 20 points. As explained in the Staff Report, credit was not being recommended for the aquifer protection area category:

"The property is located in an area designated by King County as high recharge (Exhibit 14). The applicant has left approximately 20%-30% of the property in its naturally vegetated state and has stated that best management practices are being implemented. However, the use of the majority of the property is not consistent with the sensitive nature of aquifer protection. Until documentation is provided, and reviewed by staff, supporting aquifer protection through best management practices for golf courses, credit for this category cannot be recommended."

5. At the public hearing, Mr. Sullivan of the Natural Resources Division Staff amended his position to recommend credit for the aquifer protection category. This was based on his conclusion that the March 30, 1993 Environmental Management Plan prepared for the golf course addition by Terra Associates, Inc. contains best management practices and demonstrates that only 36 acres of the application site will be cleared.

6. Nonetheless, the original Report and Recommendation issued by the Hearing Examiner's Office on December 4, 1996 declined to award the applicant with a Public Benefit Rating credit for aquifer protection. Based on his review of the record the Examiner was not convinced that the golf course Best Management Plan for the Elk Run Golf Course Addition went beyond impact mitigation to provide an affirmative benefit to the aquifer. The Examiner, however, invited the applicant to request reconsideration on this issue prior to the deadline for filing an appeal with the County Council, in which instance the hearing would be reopened to consider new information.
7. A timely reconsideration request was received, and the public hearing was reopened on January 14, 1997, for further review of the applicant's request for aquifer protection credit. Test well sampling data for 1996 was submitted to the record which showed that the chemical composition of the surficial aquifer on the golf course site remains within acceptable parameters. In addition, the May 14, 1995 Mitigated Determination of Non-Significance issued by King County for the grading permit on the golf course expansion was submitted. The MDNS outlines the comprehensive program for surface and groundwater monitoring which is being imposed on the expansion proposal. The effects of withdrawing approximately 12.5 million gallons of groundwater per year from the advance outwash aquifer for golf course irrigation are presently unknown, but the withdrawal rate is below the water right approved by the State, and draw-down testing is proposed under the Environmental Management Plan.
8. The proposed aquifer benefit derives principally from the fact that the stringent requirements of the Environmental Management Plan for the golf course addition will also be applied to existing golf course properties which were developed earlier pursuant to less strict regulatory controls. On balance the record suggests that applying this more stringent management program to the existing golf course will produce tangible aquifer protection benefits, particularly through its water sampling and monitoring regime. These requirements, as formalized within the March 14, 1995 MDNS, constitute a voluntary use restriction within a mapped high groundwater recharge area and meet the aquifer protection criteria contained within Ordinance 10511.

#### CONCLUSIONS:

1. The conclusions stated in the Natural Resources Division's Preliminary Report to the Hearing Examiner for the November 18, 1996, public hearing are found to be correct and are incorporated herein by reference.
2. A timely application has been filed and proper legal notice published with respect to the current use assessment application.
3. The application concerns property which is open space land within the meaning of RCW 84.34.020.
4. The property is eligible for open space classification under the King County Public Benefit Rating System because it contains one or more priority open space resources. The conditions of approval recommended herein assure that the public benefits which provide the basis for reduction in tax assessment shall be maintained, preserved, conserved and continued for the economic and social well-being of King County and its citizens.

5. Based on the record, the application is entitled to a total public benefit rating of 25 points for 84.32 acres, which results in a valuation of 20% of market value.

RECOMMENDATION:

APPROVE the request of COVINGTON GOLF COURSE for current use taxation (open space classification) with a public benefit rating of 25 points subject to the conditions stated below:

1. Within 30 days of the date of approval this application by the Metropolitan King County Council the Applicants shall sign an agreement which accepts the conditions of approval and meets the requirements of WAC 458-30-240.
2. The conditions of approval are those stated in the Natural Resources Division's Staff Report (Exhibit No. 4).
3. The terms contained within Exhibit No. 4 (the Natural Resources Division's Preliminary Report to the Hearing Examiner) shall be augmented by the following additional conditions:
  - a. The Environmental Management Plan, Elk Run Golf Course Addition, King County, Washington (Exhibit No. 20), as modified to conform with the King County Best Management Practices for Golf Courses, shall be used as a guideline for the design, construction and maintenance of this property. Best management practices shall be used to mitigate the adverse effects of those procedures (fertilizers, herbicides and pesticides) typically used in golf course management. Surface and groundwater monitoring shall be conducted consistent with those procedures outlined in the March 14, 1995 MDNS for the Elk Run Golf Course Expansion.
  - b. Notwithstanding the provisions of Sections 5 and 7 of Exhibit No. 4 governing land classified as active recreation area, activities which are consistent with active recreation uses and golf course maintenance and operations shall be permitted as long as those activities do not conflict with limitations required by other awarded categories.

RECOMMENDED this 11th day of February, 1997.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 11th day of February, 1997, to the following parties and interested persons:

Covington Golf Course, Inc.  
Charles Davis  
Roy Humphreys

George Kritsonis, Tax Assessor's Office  
Kelly McFall, Natural Resources Division  
Ted Sullivan, Natural Resources Division

Charlie Sundberg, Cultural Resources Division  
Stephanie Warden, Metro King County Council Administration

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before February 25, 1997. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before March 4, 1997. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE NOVEMBER 18, 1996 AND JANUARY 14, 1997 PUBLIC HEARING ON  
DEPARTMENT OF NATURAL RESOURCES FILE NO. E96CT013 - COVINGTON GOLF  
COURSE:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Ted Sullivan, of the Department of Natural Resources, Charles Davis, and Roy Humphreys.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Not offered
Exhibit No. 2	Not offered
Exhibit No. 3	Not offered
Exhibit No. 4	Department of Natural Resources, Natural Resources Division Preliminary Report to the King County Hearing Examiner for the November 18, 1996 public hearing
Exhibit No. 5	Introductory Ordinance to Council

Exhibit No. 6	Affidavit of Publication
Exhibit No. 7	Legal Notice to Council
Exhibit No. 8	Notification to Applicant of Hearing
Exhibit No. 9	Application, signed/notarized
Exhibit No. 10	Legal Description
Exhibit No. 11	Assessor Map
Exhibit No. 12	King County Situs Report
Exhibit No. 13	Site Map
Exhibit No. 14	Arcview Map
Exhibit No. 15	Metroscan Property Profile
Exhibit No. 16	Not offered
Exhibit No. 17	Wetland information
Exhibit No. 18	Notice of Hearing, Office of Hearing Examiner
Exhibit No. 19	Memo from Council re: Introducing Best Management Plan
Exhibit No. 20	Environmental Management Plan

Entered pursuant to administrative continuance:

Exhibit No. 21	Memo dated November 25, 1996 from Ted Sullivan to Examiner, with revised conditions
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Entered pursuant to reopened hearing:

Exhibit No. 22	Letter dated January 6, 1997 to Examiner from Charles Davis
Exhibit No. 23	Memo dated November 25, 1996 to Examiner from Ted Sullivan

Entered pursuant to administrative continuance:

Exhibit No. 24	Memo dated January 28, 1997 to Examiner from Ted Sullivan
Exhibit No. 25	Letter dated January 30, 1997 to Examiner from Charles Davis

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